

REMARKS/ARGUMENTS

Claims 1, 3-7, and 10-14 are pending.

Claims 1, 3-6, and 13 were rejected under 35 U.S.C. Section 103 in view of Osakabe (U.S. Pat. Appl. No. 2002/0150394) and Fennema (U.S. Pat. No. 5,425,013).

Claims 2 and 15 were rejected under 35 U.S.C. Section 103 in view of Osakabe, Fennema, and Yoshikawa (U.S. Pat. No. 4,734,914).

Claims 7, 9-12, and 14 were rejected under 35 U.S.C. Section 103 in view of Osakabe, Fennema, and Wang (U.S. Pat. Appl. No. 2002/0110065).

Claims 8 and 16 were rejected under 35 U.S.C. Section 103 in view of Osakabe, Fennema, Wang, and Yoshikawa.

A distinguishing feature of the present invention over the prior art, including the art cited in the instant Office action, is that the control means in the present invention does not position the laser beam for irradiation in the power calibration area. Accordingly, independent claims 1, 1, 13, and 14 have been amended to recite wherein “the control means controls ... such that the laser beam is not irradiated on the power calibration area nor on the recording management area.” This limitation is disclosed in the specification as filed, beginning on page 11, line 22 in connection with Fig. 5B.

Okasabe teaches placing a bar code in a mirror area 18 (Fig. 3). The bar code records track pitch information and linear velocity information. The optical pickup can read the bar code prior to recording or reproducing of information on the disk. *Paragraph [0035], last few lines.* While common sense says that the laser beam is not irradiated on the PCA region 22 (Fig. 3) when it is being used to read the bar code, this does not teach NOT to irradiate the PCA region with the laser beam.

Okasabe refers to the PCA region in the context of placing pitch and linear velocity information radially inward of the PCA region (e.g., paragraphs [0039], [0040]) and is otherwise silent as to the PCA. The acronym “PCA” stands for power calibration area, and conventionally the PCA region is used for power calibration which means the laser beam is irradiated in the PCA region during power calibration. Okasabe, therefore, does not teach wherein “the control means controls ... such that the laser beam is not irradiated on the power

calibration area nor on the recording management area" as recited in independent claims 1, 7, 13, and 14.

Moreover, since Okasabe teaches placing track pitch information and linear velocity information in an area radially inside of the PCA region, it would not make sense to modify Okasabe in a way that uses this area to perform power calibration because to do so would run the risk of destroying the track pitch information and linear velocity information that is placed there. Thus, despite whatever any additional reference may teach, common sense would preclude modifying Okasabe to use the area radially inward of the PCA to perform power calibration. Certainly, one of ordinary skill in the art would not modify Okasabe because to do so would make Okasabe non-operative.

Okasabe in combination with any reference, therefore, does not render obvious where in "the control means controls ... such that the laser beam is not irradiated on the power calibration area nor on the recording management area" as recited in independent claims 1, 7, 13, and 14.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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